

Court of Appeals, State of Michigan

ORDER

Michigan Department of Transportation v Tomkins

Docket No. 256038

LC No. 01-007548-CC

William C. Whitbeck, CJ
Presiding Judge

Richard A. Bandstra

Jane E. Markey
Judges

The trial court, on remand, found that a question of fact exists concerning whether the Kenowa overpass was integral and inseparable to the M-6 project. Therefore, this Court ORDERS that the matter should proceed to allow a trier of fact to determine whether the Kenowa overpass was an integral and inseparable part of the M-6 improvement. If so, then the matter should proceed to allow a trier of fact to consider the experts' testimony regarding the proper just compensation for the diminution in value of the remainder (that is, the portion of the Tomkins' parcel left over after the government taking) that takes into account all relevant factors affecting its market value.

We REMAND for proceedings consistent with this order. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 20 2006
Date

Sandra Schultz Mengel
Chief Clerk